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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,971	03/28/2001	Eric Cohen-Solal	US 010093	4223

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P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

CZEKAJ, DAVID J

ART UNIT PAPER NUMBER

2613

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/819,971

Applicant(s)

COHEN-SOLAL ET AL.

Examiner

Dave Czekaj

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the previously constructed computer model and the user warning must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Response to Arguments

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2. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 8-9, 11, 13, 16, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ratz (5982420) in view of Hu et al. (5867584), (hereinafter referred to as "Hu").

Regarding claims 1 and 7-8, Ratz discloses an apparatus that provides stand-alone video tracking (Ratz: column 1, lines 59-60). This apparatus comprises "selecting a desired target to be tracked" (Ratz: figure 1, wherein the target is the object displayed on the video display, column 12, lines 39-45, wherein the selecting is releasing the trigger to lock in on the object, the target is the object), "switching the automated video tracking system to an automatic mode to initiate a tracking sequence to automatically track the target" (Ratz: column 12, lines 39-45, wherein the switching to automatic mode is releasing the trigger on the object, column 3, lines 4-6, wherein the camera automatically follows the object wherever it goes), "reacquiring the target in manual mode" (Ratz: column 12, lines 54-58, wherein the manual mode is the manual override mode which allows the user to control the camera to find or reacquire the target),

and "switching the automated tracking system to the automatic mode for automatic tracking of the reacquired target without initiating a new tracking sequence" (Ratz: column 12, lines 60-65, wherein switching back to the automatic mode is the user releasing the trigger switch). Although Ratz fails to show switching to the automatic mode as claimed, Ratz does show disengaging the autotracker if the object encounters a period of difficulty (Ratz: column 13, lines 1-5, wherein the difficulty is the disappearing). Ratz further discloses a manual mode to be used by squeezing the manual override trigger (Ratz: column 12, lines 54-56). However, this apparatus lacks calculating a confidence level and warning an operator if the confidence level falls below a predetermined threshold. Hu teaches that manually tracking objects is tedious and does not produce accurate results (Hu: column 2, lines 25-40). To fix this problem, Hu discloses an apparatus that automatically tracks objects until a quality or confidence level falls below a threshold in which the system then warns the user (Hu: column 3, lines 35-40, column 4, lines 14-16, figure 2). Hu further discloses "during the automatic track mode, the automated video tracking system calculates a confidence value indicating a degree of correlation between the tracked target and a previously constructed computer model" (Hu: column 3, lines 35-40, wherein the confidence value is the quality, column 4, lines 1-4, wherein the previously constructed computer model is the file from which the user has to open to begin the tracking procedure) and "warning the user that the automatic track mode is about to fail" (Hu: figures 5-6, column 7, lines 55-67,

wherein the warning is the warning message sent to the user indicating the automatic mode is about to fail if no replacements can be found for the window object). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Ratz and add the confidence level and warnings taught by Hu in order to obtain an apparatus that more efficiently and accurately tracks objects.

Regarding claims 2, 5, 9, 13, 16, and 20, Ratz discloses "centering the target in a display of a scene including the target" (Ratz: column 7, lines 45-54, wherein the target is the object, the scene is the fixed pattern, which is centered or displayed on the central region of the display, the input device is the joystick).

Regarding claim 3, Ratz discloses the switching to automatic mode comprises "releasing control of an input device used to select the target" (Ratz: column 12, lines 39-40, wherein the releasing is releasing the trigger, the input device is the joystick, the target is the object).

Regarding claim 4, Ratz discloses switching from the automatic to the manual mode comprises "controlling an input device used to select the target" (Ratz: column 12, lines 54-60, wherein the controlling is squeezing the trigger which enables the manual override mode and moving the window, the input device is the joystick).

Regarding claim 6, Ratz discloses "releasing control of an input device used to reacquire the desired target" (Ratz: column 12, lines 39-40, wherein the input device is the joystick, releasing control is releasing the trigger switch).

Regarding claims 11 and 18, note the examiners rejections for claims 1, 3-4, and 6.

3. Claims 10, 12, 14-15, 17, 19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ratz (5982420) in view of Hu et al. (5867584), (hereinafter referred to as "Hu") in further view of Blackshear (5111288).

Regarding claims 10 and 12, note the examiners rejection for claim 1, and in addition, claims 10 and 12 differ from claim 1 in that claims 10 and 12 further require pan and tilt motors connected to the joystick so the joystick controls the camera through the motors. Blackshear teaches that prior art camera systems have limited pan and tilt movement which could cause an intruder to enter an area undetected (Blackshear: column 2, lines 10-31). Blackshear proposes to fix the above problem by providing a tracking system that controls the pan and tilt movements through the motion of a joystick (Blackshear: figure 3, column 5, lines 39-57). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Ratz, add the confidence level and warnings taught by Hu, and add the pan and tilt movements taught by Blackshear in order to obtain an apparatus that makes tracking an object more efficient by minimizing the manual tracking mode and providing a wider view area by increasing the pan and tilt movements and speeds of the camera.

Regarding claims 14, 17, 19, and 21, note the examiners rejection for claims 10 and 12.

Regarding claim 15, note the examiners rejection for claims 8 and 10.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Czekaj whose telephone number is (703) 305-3418. The examiner can normally be reached on Monday - Friday 9 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (703) 305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


CHRIS KELLEY
SUPERVISORY PATENT
TECHNOLOGY CENTER